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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/653,147 | 08/31/2000 | Yeon-Seung Ryu | P2027 | 4625 |
| 33942 | 7590 | 04/22/2004 | EXAMINER | |
| CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652 | | | FLYNN, KIMBERLY D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2153 | |

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,147

Applicant(s)

RYU, YEON-SEUNG

Examiner

Kimberly D Flynn

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-6-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is in response to an Amendment filed February 6, 2004. Claims 1-11 are presented for further consideration.

Claim Rejections – 35 U.S.C. 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (6,542,935) and further in view of Potter et al. (US 2001/0043608).

In considering claim 1, Ishii discloses a method for enabling a first terminal of a packet-based network to communicate "with a second terminal accessible by a remote access server, comprising the steps of:

(a) registering the aliases and IP addresses of said first terminal and said remote access server in a gatekeeper connected to said packet-based network (see Fig. Endpoint B 312, Call Agent 302, Gatekeeper 314, "Registration Request" and "Registration Confirmation" arrows; col. 5, lines 49-51 and col. 6, lines 61-67 and col. 7, lines 1-5);

(b) transmitting from said first terminal to said gatekeeper a message for requesting a connection with said second terminal (see Fig. 6, Endpoint B 312, Gatekeeper 314, "Admission Request" and "Admission Confirmation" arrows; col. 6, lines 15-20); and

(d) causing said remote access server to transmit a request over a circuit network said second terminal to register the alias and the IP address of said second terminal in said gatekeeper (see Fig. 6, Endpoint A 306, Call Agent 302, Gatekeeper 314, "Agent Request", "Address Confirmation", and "Registration Request (w/ Agents Address)" arrows).

Although Ishii shows substantial features of the claimed invention, he fails to disclose causing said gatekeeper to request said remote access server to connect with said second terminal, as well as establishing communication between said first terminal and said second terminal via said gatekeeper. However, Potter et al., whose invention is a method for providing integrated video, audio, data, and telephony functionality, together with connectivity to the Internet, ISCN, PSTN, and other wide-area networks, discloses such a gatekeeper to request said remote access server (gateway) to connect with said second terminal (endpoint 2) (see Potter paragraph [0072], lines 58-67). Therefore, given the teachings of Potter et al., it would have been obvious for a person having ordinary skills in the art to modify Ishii by causing said gatekeeper to request said remote access server to connect with said second terminal.

Ishii further discloses establishing communication between said first terminal and said second terminal via said gatekeeper (see col. 6. lines 37-39 and fig. 3).

In considering claim 6, Ishii discloses a method for establishing communication between a first terminal connected to a packet-based network and a second terminal connected to a remote access server, comprising the steps of:

(a) establishing communication between said first terminal and said remote access server via a gatekeeper (see col. 6. lines 37-39 and fig. 3).

(b) transmitting from said first terminal to a gatekeeper connected to packet-based network a message for requesting a connection with said second terminal (see Fig. 6, Endpoint B 312, Gatekeeper 314, Endpoint A 306, "Admission Request" and "Admission Confirmation" arrows; col. 5, lines 55-59); and

(d) registering the IP address information of said second terminal in said gatekeeper (see Fig. 6, Endpoint A 306, Gatekeeper 314, "Registration Request (w/ Agents Address)" and "Registration Confirmation" arrows).

(e) establishing over the connection by said remote access server communication between said first terminal and said second terminal via said gatekeeper (see col. 6. lines 37-39 and fig. 3).

Additionally, Potter et al. discloses a method for establishing communication between a first terminal connected to a packet-based network and a second terminal connected to a remote access server, comprising the steps of:

(c) requesting said remote access server by said gatekeeper to connect with said second terminal, said request includes an acknowledgment of the availability of resources for said communication between said remote access server and said second terminal (see Potter paragraph [0072]).

In considering claims 2 and 7, Although Ishii and Potter et al. show substantial features of the claimed invention, they fail to specifically disclose transmitting a message containing the phone number of said second terminal and a predetermined response time period to said remote access server. Nonetheless, the inclusion of a phone number and response time period would have been an obvious modification to the methods disclosed by Ishii and Potter et al., as it is well

known in the art to provide a phone number of a requested entity, as well as predetermined threshold for attempting to contact the requested entity, for signaling in multimedia conferencing. It would have been obvious for a person having ordinary skills in the art to modify Ishii and Potter et al. by transmitting a message containing the phone number of said second terminal and a predetermined response time period to said remote access server in order to initiate a conference call with a telephone number in case the requested entity only had audio capability.

In considering claims 3 and 8, Ishii discloses a method wherein the step (d) of causing said remote access server to request said second terminal to register comprises the steps of:

allowing said remote access server to connect with said second terminal (see Fig. 6, Call Agent 302, Endpoint A 306, "Agent Request" and "Agent Confirmation" arrows);
notifying said gatekeeper if said connection to said second terminal is unsuccessful;
notifying said gatekeeper of the IP address assigned to said second terminal if said connection to said second terminal is successful;

allowing said second terminal register the alias and the IP address of said second terminal in said gatekeeper (see Fig. 6, "Registration Request (w/ Agent's Address)" arrow); and
causing said gatekeeper to admit the registration of said second terminal (see Fig. 6, "Registration Confirmation" arrow).

Although Ishii and Potter et al. show substantial features of the claimed invention, they fail to specifically disclose notifying the gatekeeper if the connection to the terminal is successful or unsuccessful. Nonetheless, the notification of whether the connection was successful or unsuccessful would have been an obvious modification to the methods disclosed by Ishii and

Potter et al., as it is well known in the art to use acknowledgements (ACKs) and negative acknowledgements (NACKs) for letting the sender of a connection request know if the request was successfully or unsuccessfully received. It would have been obvious for a person having ordinary skills in the art to modify Ishii and Potter et al. by notifying the gatekeeper if the connection to the terminal is successful or unsuccessful in order to provide a mechanism for acknowledging a connection, thus avoiding the unnecessary transmittal of conference data if the connection is known to be unsuccessful.

In considering claims 4 and 9, Ishii discloses a method wherein said connection to said second terminal is unsuccessful when there is no available port or when said second terminal is busy [note: According to the TCP/IP protocol suite, a destination port needs to be available, free from any other established connections, in order to establish a connection with that destination device].

In considering claims 5 and 10, Potter et al. discloses a method wherein said communication established between said first terminal and said second terminal further includes information associated with H.245 parameters (see Potter paragraph [0055]).

In considering claim 11, Ishii discloses a method wherein the step (a) of establishing said communication between said first terminal and said remote access server comprises the step of storing the IP address information of said first terminal and said remote access server in said gatekeeper (see Fig. 6, "Registration Request (w/ Agent's Address)" and "Registration Request" arrows).

Response to Arguments

Applicant's arguments, filed February 6, 2004, with respect to the rejection(s) of claim(s) 1-7 under U.S.C 102(e), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ishii and Potter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDF

Kimberly D Flynn
Examiner
Art Unit 2153


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